

REMARKS

Applicants note that the prior amendment to the claims mailed on July 21, 2005 was not entered by the Examiner, as evidenced by the withdrawal of finality of the last Office Action and the rejection of the claims in the present Office Action as existing prior to the submission of the amendment of July 21, 2005. Accordingly, after entry of this amendment, claims 1-15 and 17-21 are pending. Claims 1, 7, 9, 13 and 14 are amended. Claim 16 is canceled. New claims 20 and 21 are added. Support for the amendments to claims 1, 7 and 9 are found at least at page 10 of the present application. Support for the amendments to claims 13, 14 and new claims 20 and 21 are found at least at Figs. 1, 2 and 2A-2C, and at pages 3-5 of the present application.

Rejection of Claims 1-12 and 15-18

Claims 1-7, 9, 11, 12 and 15 were rejected under 35 USC 103(a) as being obvious over Yonezawa (US 4,990,117) in view of Fosbenner et al. (US 5,949,050). Claims 8 and 10 were rejected under 35 USC 103(a) as being obvious over a combination of Yonezawa and Fosbenner et al. further in view Eppley (US 6,099,379). Claims 1 and 16-18 are rejected as being obvious over Yonezawa in view of Korschen et al. (US 6,063,180). Applicants submit the present amendment overcomes the rejections.

Independent claims 1, 7 and 9 have been amended to recite that “the [ferromagnetic] ink comprises iron powder in an adhesive, the ratio of iron powder to adhesive being between about 1:1 and 1.5:1 by weight.” Applicants disclose a preference for this ratio at page 10, line 12 of the present application. At maximum loading of iron powder in the ink, this ratio of iron powder to adhesive or ink vehicle provides an ink containing iron powder in the range of about 50 to about 60 weight percent, which range is disclosed at page 11 and recited in claim 17

None of the references cited above disclose or suggest the use of a ferromagnetic ink with this range of iron powder in its composition. The Office Action relies only on Korschen to teach “ink comprising between about 50 and about 60 weight percent iron powder.”

However, Korschen teaches only “iron oxide-containing [particles] having an iron content of 50 to 73 wt. %.” Korschen fails to teach or suggest the recited ratio of “iron powder” to adhesive (i.e., ink vehicle) or even the range of 50 to 60 wt. %, “iron powder particles” in an ink.

Accordingly, Applicants assert that independent claims 1, 7 and 9 are not obvious over the combination of Fossbenner and Yonezawa, even further in view of Korschen. For the same reasons, claims 2-6, 8, 10-12, 15 and 17-18, which depend from claims 1, 7 or 9, are not obvious over the combination of these references, even in view of Eppley. Therefore, Applicants request the rejection to be withdrawn.

Applicants note that Deetz I (US 5,609,788) and Deetz II (US 5,843,329) disclose a magnetic paint or ink additive. However, neither teach the presently claimed composition of iron powder in a ferromagnetic ink which applicants have found to work well for the step of “printing ferromagnetic ink over the substrate to form a guide path for the magnetically guided toy to follow.” Indeed, Deetz I fails to teach the claimed range of ratio of iron powder to adhesive (i.e., ink vehicle), but only discloses a paint composition of 500 to 2000 grams of particles per gallon (abstract). While Deetz II discloses a broad range in a paint composition of 500 to 4000 (see col. 3) of 500 to 8000 grams of particles per gallon of paint (see col. 6, lines 11-16), Deetz II fails to suggest the narrow range of iron powder in the composition of a ferromagnetic ink, which applicants have claimed for the specific use as recited in the present claims. Deetz II suggests anything within a broad range may be useful as a magnetic paint, but fails to teach any specific embodiment or example of a paint that falls within the range claimed by the applicants, which applicants have found works well to print a guide path for a magnetically guided toy. Therefore, even combining the cited references with Deetz I or Deetz II, one of ordinary skill in the art is provided with no teaching and no suggestion to print a guide path with a ferromagnetic ink having the ratio and/or amounts of iron powder as recited in the independent claims 1, 7 and 9 or dependent claim 17. Accordingly, claims 1-12, 15 and 17-18 are patentable over the present combination of cited references even in view of Deetz I or II.

Rejection of Claims 13, 14 and 19

Claim 13 and 19 were rejected under 35 USC 102(b) as being anticipated by UK Publication No. GB 876054 (hereinafter UK '054). Claim 14 was rejected as being obvious over UK '054 in view of Chiu (US 5,851,134). Applicants submit the present amendment overcomes the rejections.

Claims 13 and 19 now recite that the “one front wheel [is] aligned with the pivot axis of the holder such that the front wheel is positioned to contact a playing surface positioned under the toy at a point in line with the pivot axis, the front wheel being positioned within the open expanded portion of the pivot shaft, and a wheel axle extending through the front wheel and the two opposed openings in the expanded portion of the pivot shaft.” None of the recited references teach this recited feature.

The steering wheel assembly of UK '054 discloses two-wheels (22), **each** of which is offset to the alignment of the pivot axis (27) – one wheel is to the left and the other wheel is to the right. Neither wheel is positioned to contact a playing surface under the toy at a point in the line of the pivot axis. As shown in Figs. 1A and 2C of the present application, the wheel is aligned along the pivot axis and contacts the surface at a point in line with the pivot axis. Comparing these two Figures, it is clear that UK '054 does not disclose or suggest a steering wheel assembly with one wheel in a position as claimed, because both wheels are offset away from the pivot axis. Therefore, Claims 13 and 19 are not anticipated by UK '054, and should be allowed. Like wise, claims 14 and 19-21, which depend from claim 13, should be allowed for the same reasons.

Moreover, claim 14 is not obvious over UK '054 in view of Chiu. Claim 14 recites the self-centering mechanism operates through the force of gravity. In contrast, Chiu discloses a self-centering mechanism that operates only by use of magnetic force. Accordingly, the combination of UK '054 and Chiu fails to suggest claim 14. The rejection is therefore requested to be withdrawn as to claim 14 and its dependent claim 21.

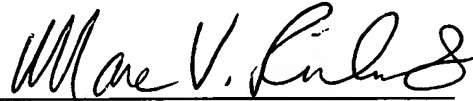
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CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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